

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIK RASMUSSEN,

Plaintiff,

v.

LAS VEGAS SUN, et al.,

Defendants.

Case No.: 2:21-cv-00094-KJD-NJK

ORDER

[Docket No. 1]

Pending before the Court is Plaintiff's application to proceed in this action *in forma pauperis*. Docket No. 1. Plaintiff failed to attach an inmate account statement for the past six months. *Id.*; *see also* LSR 1-2. Thus, the Court will deny without prejudice Plaintiff's application to proceed *in forma pauperis*.

The Court will retain Plaintiff's complaint, Docket No. 1-1, but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the deficiencies of his application to proceed *in forma pauperis* or, in the alternative, pay the full filing fee for this action.¹ If Plaintiff chooses to file a new application to proceed *in forma pauperis*, he must timely file a proper and fully complete application to proceed *in forma pauperis*, with a fully complete and properly executed financial certificate and an inmate account statement for the past six months.

Accordingly, the Court **DENIES** Plaintiff's application to proceed *in forma pauperis* without prejudice as incomplete. Docket No. 1. The Court will retain Plaintiff's complaint,

¹ While the Court has not screened the complaint, it appears that it lacks subject matter jurisdiction over the instant action. *See* Fed. R. Civ. P. 12(h)(3). Plaintiff may want to consider whether he wishes to proceed prior to filing a new application to proceed *in forma pauperis*. In the event the Court grants Plaintiff's renewed application to proceed *in forma pauperis*, he must pay the filing fee, even if the case is dismissed for lack of subject matter jurisdiction or any other reason, because he is incarcerated. *See* 28 U.S.C. § 1915(b)(1).

1 Docket No. 1-1, but will not file it until payment of the filing fee is resolved. No later than **March**
2 **26, 2021**, Plaintiff shall either (1) file a complete application to proceed *in forma pauperis*, on the
3 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2)
4 pay the \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
5 administrative fee). **Failure to timely comply with this order will result in a recommendation**
6 **to the District Judge that this case be dismissed without prejudice.**

7 The Court **INSTRUCTS** the Clerk of Court to send Plaintiff the approved form application
8 to proceed *in forma pauperis* by a prisoner, as well as the document entitled “Information and
9 Instructions” for filing an *in forma pauperis* application.

10 IT IS SO ORDERED.

11 Dated: January 26, 2021

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14 Nancy J. Koppe
15 United States Magistrate Judge
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